

Rap Brown's Lawyers Lose Plea to Examine FBI Tape

NEW ORLEANS, May 13 (UPI)—U.S. District Judge Lansing Mitchell ruled today it "would compromise the national security" to allow defense attorneys to examine an FBI recording of a conversation involving H. Rap Brown.

The Justice Department presented the sealed recording to the judge to show that it had nothing to do with a Federal firearms charge against Brown.

After turning down the defense motion to examine the recording, Mitchell began the selection of jurors for Brown's trial.

Brown, head of the Student Non-Violent Coordinating Committee (SNCC) is charged with carrying a carbine across state lines while under another indictment.

The Justice Department said the electronic recording of Brown's conversation was made accidentally during a security surveillance.

Delay Is Denied

Defense attorney William Kunstler asked that the trial be delayed until he could appeal Mitchell's decision to the U.S. Fifth Circuit Court of Appeals, also at New Orleans. Mitchell, as he had on eight previous defense motions today, denied the delay.

The Judge resealed the recording documents and sent them on to the appeals court for examination when Kunstler does file his appeal.

Kunstler said the recording was relevant to the Justice Department case against Brown. He called the secret viewing of the documents by the Judge "a Star Chamber proceeding."

Earlier today, Kunstler said Mitchell should disqualify himself.

"There has rarely been a more clear case of open, outright bias and prejudice against a defendant than exhibited by Your Honor," he said.

Kunstler said \$50,000 bond placed on Brown earlier this year was excessive and was evidence of prejudice.

Hears Accusations

The Judge listened to a series of accusations against him, then turned down the defense motions asking for delay, transfer or dismissal of the trial.

About 50 spectators, half of them Negroes, jammed the courtroom in the French Quarter to witness the hearings. Brown, dressed in his usual dungarees, khaki jacket and tennis shoes, turned to the

Negroes in the audience several times and quietly laughed with them at some of the remarks made about the Judge.

Several dozen city and state police and armed state agents moved in and around the state-owned court building. Spectators coming into the court room were first required to give their name and address. Kunstler asked for dismissal of the trial on ground that it was a "police-dominated atmosphere."

Mitchell later ordered the court clerk to request state agents to "cease and desist" from checking names of spectators.